

United States Bankruptcy Court
Western District of New York

In re:
The Diocese of Buffalo, N.Y.
Debtor

Case No. 20-10322-CLB
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0209-1

User: admin

Page 1 of 28

Date Rcvd: Dec 15, 2023

Form ID: pdforder

Total Noticed: 5

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 17, 2023:

Recip ID	Recipient Name and Address
db	+ The Diocese of Buffalo, N.Y., 795 Main Street, Buffalo, NY 14203-1215
aty	+ Gleichenhaus, Marchese & Weishaar, PC, 43 Court Street, Suite 930, Buffalo, NY 14202-3100
pr	+ Charles Mendolera, c/o The Diocese of Buffalo, N.Y., 795 Main Street, Buffalo, NY 14203-1215
ntcapr	+ Official Committee of Unsecured Creditors, c/o Pachulski Stang Ziehl & Jones LLP, Attn: J. Stang, I. Scharf, S. Golden, 780 Third Avenue, 34th Floor, New York, NY 10017-2024

TOTAL: 4

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	+ Email/Text: ustpreion02.bu.ecf@usdoj.gov	Dec 15 2023 18:26:00	Office of the U.S. Trustee, 300 Pearl Street, Suite 401, Olympic Towers, Buffalo, NY 14202-2523

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 17, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 15, 2023 at the address(es) listed below:

Name	Email Address
Adam P. Haberkorn	on behalf of Interested Party Century Indemnity as successor in interest to Insurance Company of North America, as successor in interest to Indemnity Insurance Company of North America ahaberkorn@omm.com, adam-haberkorn-2269@ecf.pacerpro.com
Adam P. Haberkorn	

on behalf of Interested Party Pacific Employers Insurance Company ahaberkorn@omm.com
adam-haberkorn-2269@ecf.pacerpro.com

Adam P. Haberkorn

on behalf of Interested Party Aetna Insurance Company f/k/a CIGNA Property & Casualty Insurance Company and n/k/a ACE
Property & Casualty Insurance Company ahaberkorn@omm.com adam-haberkorn-2269@ecf.pacerpro.com

Adam P. Haberkorn

on behalf of Interested Party U.S. Fire Insurance Company ahaberkorn@omm.com adam-haberkorn-2269@ecf.pacerpro.com

Adam Ross Durst

on behalf of Defendant Employers Insurance Company of Wausau (f/k/a Employers Insurance of Wausau A Mutual Company
f/k/a Employers Mutual Liability Insurance Company of Wisconsin) adurst@goldbergsegalla.com

Adam Ross Durst

on behalf of Notice of Appearance Creditor Employers Insurance Company of Wausau (formerly known as Employers Insurance
of Wausau A Mutual Company formerly known as Employers Mutual Liability Insurance Company of Wisconsin)
adurst@goldbergsegalla.com

Adam Ross Durst

on behalf of Defendant Nationwide Insurance Company of America adurst@goldbergsegalla.com

Adam Ross Durst

on behalf of Notice of Appearance Creditor Wausau Underwriters Insurance Company adurst@goldbergsegalla.com

Adam Ross Durst

on behalf of Cross Defendant Wausau Underwriters Insurance Company adurst@goldbergsegalla.com

Adam Ross Durst

on behalf of Interested Party Nationwide Insurance Company of America adurst@goldbergsegalla.com

Adam Ross Durst

on behalf of Interested Party Nationwide Mutual Insurance Company (f/k/a Farm Bureau Mutual Automobile Insurance Company)
adurst@goldbergsegalla.com

Adam Ross Durst

on behalf of Defendant Employers Insurance Company of Wausau (formally known as Employers Insurance of Wausau A Mutual
Company formerly known as Employers Mutual Liability Insurance Company of Wisconsin) adurst@goldbergsegalla.com

Adam Ross Durst

on behalf of Defendant Wausau Underwriters Insurance Company adurst@goldbergsegalla.com

Adam Ross Durst

on behalf of Cross Defendant Employers Insurance Company of Wausau (formally known as Employers Insurance of Wausau A
Mutual Company formerly known as Employers Mutual Liability Insurance Company of Wisconsin) adurst@goldbergsegalla.com

Amy Keller

on behalf of Interested Party LG 77 DOE akeller@lglaw.com sfischer@lglaw.com

Amy Keller

on behalf of Defendant JMH 100 Doe et al akeller@lglaw.com, sfischer@lglaw.com

Amy Keller

on behalf of Interested Party Don E. Whelan akeller@lglaw.com sfischer@lglaw.com

Amy Keller

on behalf of Interested Party HW 4 Doe akeller@lglaw.com sfischer@lglaw.com

Amy Keller

on behalf of Interested Party LG 65 Doe akeller@lglaw.com sfischer@lglaw.com

Amy Keller

on behalf of Attorney Lipsitz Green Scime Cambria LLP akeller@lglaw.com sfischer@lglaw.com

Amy Keller

on behalf of Interested Party Wyatt Schoenle akeller@lglaw.com sfischer@lglaw.com

Amy Keller

on behalf of Interested Party LG 74 DOE akeller@lglaw.com sfischer@lglaw.com

Amy Keller

on behalf of Interested Party LG 69 DOE akeller@lglaw.com sfischer@lglaw.com

Amy Keller

on behalf of Interested Party Dorian Reeves akeller@lglaw.com sfischer@lglaw.com

Andrew Janet

on behalf of Interested Party Judith Wilcox Halsey asjanet@jjsjustice.com

Andrew Janet

on behalf of Interested Party Diana L. O'Hara asjanet@jjsjustice.com

Andrew P Fleming	on behalf of Creditor Abuse Survivors aflem@cf-legal.com
Andrew P Fleming	on behalf of Notice of Appearance Creditor Madonna Bishop et al aflem@cf-legal.com
Andrew P Fleming	on behalf of Creditor Madonna Bishop et al. aflem@cf-legal.com
Angela Z. Miller	on behalf of Interested Party Catholic Health System Inc. amiller@phillipslytle.com, sreiner@phillipslytle.com
Antigone Curis	on behalf of Creditor Abuse Survivors acuris7@gmail.com
Brendan Sheehan	on behalf of Plaintiff The Diocese of Buffalo N.Y. bsheehan@bsk.com, spagano@bsk.com; kdoner@bsk.com; courtmail@bsk.com
Brett S. Theisen	on behalf of Interested Party Selective Insurance Company of New York btheisen@gibbonslaw.com
Brett S. Theisen	on behalf of Defendant Selective Insurance Company of America (formerly known as Exchange Mutual Insurance Company) btheisen@gibbonslaw.com
Brett S. Theisen	on behalf of Defendant Selective Insurance Company of America (f/k/a Exchange Mutual Insurance Company f/k/a Exchange Mutual Indemnity Insurance Company) btheisen@gibbonslaw.com
Brian David Barnas	on behalf of Defendant Merchants Mutual Insurance Company bdb@hurwitzfine.com robins@hurwitzfine.com
Brian Jacob Butler	on behalf of Plaintiff The Diocese of Buffalo N.Y. bbutler@bsk.com, cduger@bsk.com; kdoner@bsk.com; CourtMail@bsk.com
Brittany Mitchell Michael	on behalf of Interested Party The Official Committee of Unsecured Creditors bmichael@pszjlaw.com
Brittany Mitchell Michael	on behalf of Interpleader Official Committee of Unsecured Creditors bmichael@pszjlaw.com
Brittany Mitchell Michael	on behalf of Creditor Committee Official Committee of Unsecured Creditors bmichael@pszjlaw.com
Brittany Mitchell Michael	on behalf of Notice of Appearance Creditor Official Committee of Unsecured Creditors bmichael@pszjlaw.com
Bruce Alan Anderson	on behalf of Notice of Appearance Creditor Parish Steering Committee baaifiling@eaidaho.com
Bruce Alan Anderson	on behalf of Interested Party Parish Steering Committee baaifiling@eaidaho.com
C Kenneth Foit	on behalf of Interested Party Thomas J Cichon ckennethfoit@gmail.com
Catalina Sugayan	on behalf of Defendant Certain Underwriters at Lloyds London and Certain London Market Companies catalina.sugayan@clydeco.us, Nancy.Lima@clydeco.us
Catalina Sugayan	on behalf of Interested Party Certain Underwriters at Lloyd's London catalina.sugayan@clydeco.us, Nancy.Lima@clydeco.us
Charles Edwin Jones	on behalf of Defendant Fireman's Fund Insurance Company charles.jones@lawmoss.com Brenda.murphy@lawmoss.com
Charles Edwin Jones	on behalf of Cross Defendant Fireman's Fund Insurance Company charles.jones@lawmoss.com Brenda.murphy@lawmoss.com
Charles J. Sullivan	on behalf of Debtor The Diocese of Buffalo N.Y. csullivan@bsk.com, kdoner@bsk.com; jhunold@bsk.com; CourtMail@bsk.com
Charles J. Sullivan	on behalf of Plaintiff The Diocese of Buffalo N.Y. csullivan@bsk.com, kdoner@bsk.com; jhunold@bsk.com; CourtMail@bsk.com
Conrad Chiu	on behalf of Notice of Appearance Creditor Diana L. O'Hara cchiu@pryorcashman.com
Conrad Chiu	on behalf of Notice of Appearance Creditor Judith Wilcox Halsey cchiu@pryorcashman.com

Craig Goldblatt	on behalf of Notice of Appearance Creditor The Continental Insurance Company craig.goldblatt@wilmerhale.com
Daniel J. Chiacchia	on behalf of Creditor Madonna Bishop et al dan@cf-legal.com
Daniel J. Chiacchia	on behalf of Notice of Appearance Creditor Madonna Bishop et al dan@cf-legal.com
Daniel J. Chiacchia	on behalf of Creditor Madonna Bishop et al. dan@cf-legal.com
Daniel J. Schufreider	on behalf of Interested Party Catholic Mutual Relief Society of America dschufreider@schiffhardin.com
Daniel Walter Gerber	on behalf of Notice of Appearance Creditor NGM Insurance Company dgerber@gerberciano.com mbarone@gerberciano.com;jewell@gerberciano.com
Daniel Walter Gerber	on behalf of Defendant NGM Insurance Company (successor-in-interest to National Grange Mutual Insurance Company) dgerber@gerberciano.com mbarone@gerberciano.com;jewell@gerberciano.com
David Attisani	on behalf of Notice of Appearance Creditor The Continental Insurance Company dattisani@choate.com david-attisani-2688@ecf.pacerpro.com
David C. Christian, II	on behalf of Notice of Appearance Creditor The Continental Insurance Company dchristian@dca.law
David L. Gay	on behalf of Defendant National Union Fire Insurance Company of Pittsburgh PA dgay@carltonfields.com, cguzman@carltonfields.com
David M Spector, I	on behalf of Interested Party Catholic Mutual Relief Society of America dspector@schiffhardin.com
Dirk C. Haarhoff	on behalf of Defendant Selective Insurance Company of America (formerly known as Exchange Mutual Insurance Company) dchaarhoff@kslnlaw.com
Dirk C. Haarhoff	on behalf of Interested Party Selective Insurance Company of New York dchaarhoff@kslnlaw.com
Dominic J. Picca	on behalf of Defendant Liberty Mutual Insurance Company djpicca@mintz.com jpsmith@mintz.com,docketing@mintz.com,naellman@mintz.com
Dominic J. Picca	on behalf of Notice of Appearance Creditor Excelsior Insurance Company djpicca@mintz.com jpsmith@mintz.com,docketing@mintz.com,naellman@mintz.com
Dominic J. Picca	on behalf of Interested Party Excelsior Insurance Company djpicca@mintz.com jpsmith@mintz.com,docketing@mintz.com,naellman@mintz.com
Dominic J. Picca	on behalf of Interested Party Liberty Mutual Insurance Company djpicca@mintz.com jpsmith@mintz.com,docketing@mintz.com,naellman@mintz.com
Dominic J. Picca	on behalf of Notice of Appearance Creditor Liberty Mutual Insurance Company djpicca@mintz.com jpsmith@mintz.com,docketing@mintz.com,naellman@mintz.com
Dominic J. Picca	on behalf of Interested Party Peerless Insurance Company djpicca@mintz.com jpsmith@mintz.com,docketing@mintz.com,naellman@mintz.com
Dominic J. Picca	on behalf of Notice of Appearance Creditor Peerless Insurance Company djpicca@mintz.com jpsmith@mintz.com,docketing@mintz.com,naellman@mintz.com
Douglas R Gooding	on behalf of Interested Party Liberty Mutual Insurance Company dgooding@choate.com douglas-gooding-9991@ecf.pacerpro.com
Douglas R Gooding	on behalf of Interested Party Peerless Insurance Company dgooding@choate.com douglas-gooding-9991@ecf.pacerpro.com
Douglas R Gooding	on behalf of Defendant Liberty Mutual Insurance Company dgooding@choate.com douglas-gooding-9991@ecf.pacerpro.com
Douglas R Gooding	

	on behalf of Interested Party Excelsior Insurance Company dgooding@choate.com douglas-gooding-9991@ecf.pacerpro.com
Ellen M. Farrell	on behalf of Defendant Peerless Insurance Company emfarrell@mintz.com
Ellen M. Farrell	on behalf of Defendant Excelsior Insurance Company emfarrell@mintz.com
Ellen M. Farrell	on behalf of Defendant Liberty Mutual Insurance Company emfarrell@mintz.com
Everett J. Cygal	on behalf of Interested Party Catholic Mutual Relief Society of America ecygal@schiffhardin.com
Ford Elsaesser, Jr	on behalf of Notice of Appearance Creditor Parish Steering Committee ford@eaidaho.com
Ford Elsaesser, Jr	on behalf of Interested Party Parish Steering Committee ford@eaidaho.com
Fred Lichtmacher	on behalf of Interested Party Stephen M. Parisi empirestatt@aol.com
Fred Lichtmacher	on behalf of Interested Party Matthew Bojanowski empirestatt@aol.com
Garry M. Graber	on behalf of Notice of Appearance Creditor M&T Bank ggraber@hodgsonruss.com mheftka@hodgsonruss.com;cnapiers@hodgsonruss.com
Garry M. Graber	on behalf of Respondent Foundation of the Roman Catholic Diocese of Buffalo New York ggraber@hodgsonruss.com, mheftka@hodgsonruss.com;cnapiers@hodgsonruss.com
Garry M. Graber	on behalf of Special Counsel Hodgson Russ LLP ggraber@hodgsonruss.com mheftka@hodgsonruss.com;cnapiers@hodgsonruss.com
Geoffrey M. Miller	on behalf of Interested Party Travelers Indemnity Company (successor in interest to Gulf Insurance Company) geoffrey.miller@dentons.com docket.general.lit.nyc@dentons.com
Geoffrey M. Miller	on behalf of Defendant U.S. Fidelity and Guaranty Company geoffrey.miller@dentons.com docket.general.lit.nyc@dentons.com
Geoffrey M. Miller	on behalf of Defendant Travelers Casualty and Surety Company (successor-in-interest to Aetna Casualty and Surety Company) geoffrey.miller@dentons.com docket.general.lit.nyc@dentons.com
Geoffrey M. Miller	on behalf of Interested Party Travelers Casualty and Surety Company (successor in interest to Aetna Casualty and Surety Company) geoffrey.miller@dentons.com docket.general.lit.nyc@dentons.com
Geoffrey M. Miller	on behalf of Interested Party St. Paul Fire and Marine Insurance Company geoffrey.miller@dentons.com docket.general.lit.nyc@dentons.com
Geoffrey M. Miller	on behalf of Interested Party St. Paul Fire and Marine Insurance Company St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company (successor in interest to Aetna Casualty and Surety Company), Travelers Indemnity geoffrey.miller@dentons.com, docket.general.lit.nyc@dentons.com
Geoffrey M. Miller	on behalf of Interested Party St. Paul Mercury Insurance Company geoffrey.miller@dentons.com docket.general.lit.nyc@dentons.com
Geoffrey M. Miller	on behalf of Defendant St. Paul Fire and Marine Insurance Company geoffrey.miller@dentons.com docket.general.lit.nyc@dentons.com
Geoffrey M. Miller	on behalf of Interested Party U.S. Fidelity and Guaranty Company geoffrey.miller@dentons.com docket.general.lit.nyc@dentons.com
Glenn FencI	on behalf of Defendant The National Catholic Risk Retention Group fencI@jbltd.com castom@jbltd.com
Grady Campion	on behalf of Interested Party Peerless Insurance Company grcampion@mintz.com EMFarrell@mintz.com
Grady Campion	on behalf of Interested Party Liberty Mutual Insurance Company grcampion@mintz.com EMFarrell@mintz.com

Grady Campion	on behalf of Defendant Liberty Mutual Insurance Company grcampion@mintz.com EMFarrell@mintz.com
Grady Campion	on behalf of Interested Party Excelsior Insurance Company grcampion@mintz.com EMFarrell@mintz.com
Grayson T. Walter	on behalf of Debtor The Diocese of Buffalo N.Y. gwalter@bsk.com, kdoner@bsk.com;CourtMail@bsk.com
Grayson T. Walter	on behalf of Plaintiff The Diocese of Buffalo N.Y. gwalter@bsk.com, kdoner@bsk.com;CourtMail@bsk.com
Harry Lee	on behalf of Defendant Zurich American Insurance Company hlee@step toe.com
Harry Lee	on behalf of Defendant Providence Washington Insurance Company hlee@step toe.com
Harry Lee	on behalf of Interested Party Providence Washington Insurance Company hlee@step toe.com
Harry Lee	on behalf of Interested Party Zurich American Insurance Company hlee@step toe.com
Harry Lee	on behalf of Interested Party American Guarantee and Liability Insurance Company hlee@step toe.com
Heather M. Baumeister	on behalf of Notice of Appearance Creditor Richard LaPorta hbaumeister@lotempiopc.com
Heather M. Baumeister	on behalf of Notice of Appearance Creditor Hunter Cogi Wolfe hbaumeister@lotempiopc.com
Iain A.W. Nasatir	on behalf of Creditor Committee Official Committee of Unsecured Creditors inasatir@pszjlaw.com
Ilan D Scharf	on behalf of Notice of Appearance Creditor Official Committee of Unsecured Creditors ischarf@pszjlaw.com lcanty@pszjlaw.com;nrobinson@pszjlaw.com;bdassa@pszjlaw.com
Ilan D Scharf	on behalf of Interested Party Official Committee of Unsecured Creditors ischarf@pszjlaw.com lcanty@pszjlaw.com;nrobinson@pszjlaw.com;bdassa@pszjlaw.com
Ilan D Scharf	on behalf of Creditor Committee Official Committee of Unsecured Creditors ischarf@pszjlaw.com lcanty@pszjlaw.com;nrobinson@pszjlaw.com;bdassa@pszjlaw.com
Ilan D Scharf	on behalf of Interested Party The Official Committee of Unsecured Creditors ischarf@pszjlaw.com lcanty@pszjlaw.com;nrobinson@pszjlaw.com;bdassa@pszjlaw.com
J. Michael Hayes	on behalf of Defendant JMH 100 Doe et al jmh@jmichaelhayes.com
James I. Stang	on behalf of Notice of Appearance Creditor Official Committee of Unsecured Creditors jstang@pszjlaw.com
James R Marsh	on behalf of Interested Party MLF Doe jamesmarsh@marsh.law
James R Murray	on behalf of Other Professional Blank Rome LLP Jim.Murray@BlankRome.com, edocketing@blankrome.com
James S. Carter	on behalf of Plaintiff The Diocese of Buffalo N.Y. jscarter@blankrome.com
Jay D. Kenigsberg	on behalf of Defendant Fireman's Fund Insurance Company jay.kenigsberg@rivkin.com
Jeffrey A. Carlino	on behalf of Interested Party Selective Insurance Company of New York jacarlino@kslnlaw.com dfwroblewski@kslnlaw.com
Jeffrey A. Carlino	on behalf of Defendant Selective Insurance Company of America (formerly known as Exchange Mutual Insurance Company) jacarlino@kslnlaw.com dfwroblewski@kslnlaw.com
Jeffrey Austin Dove	on behalf of Counter-Claimant The Continental Insurance Company jdove@barclaydamon.com avrooman@barclaydamon.com;jeffrey-dove-1212@ecf.pacerpro.com
Jeffrey Austin Dove	on behalf of Defendant National Union Fire Insurance Company of Pittsburgh PA jdove@barclaydamon.com,

	avrooman@barclaydamon.com,jeffrey-dove-1212@ecf.pacerpro.com
Jeffrey Austin Dove	on behalf of Cross Defendant The Continental Insurance Company jdove@barclaydamon.com avrooman@barclaydamon.com,jeffrey-dove-1212@ecf.pacerpro.com
Jeffrey Austin Dove	on behalf of Cross Defendant National Union Fire Insurance Company of Pittsburgh PA jdove@barclaydamon.com, avrooman@barclaydamon.com,jeffrey-dove-1212@ecf.pacerpro.com
Jeffrey Austin Dove	on behalf of Defendant The Continental Insurance Company jdove@barclaydamon.com avrooman@barclaydamon.com,jeffrey-dove-1212@ecf.pacerpro.com
Jeffrey Austin Dove	on behalf of Notice of Appearance Creditor The Continental Insurance Company jdove@barclaydamon.com avrooman@barclaydamon.com,jeffrey-dove-1212@ecf.pacerpro.com
Jeffrey Austin Dove	on behalf of Cross-Claimant National Union Fire Insurance Company of Pittsburgh PA jdove@barclaydamon.com, avrooman@barclaydamon.com,jeffrey-dove-1212@ecf.pacerpro.com
Jeffrey D. Eaton	on behalf of Debtor The Diocese of Buffalo N.Y. jeaton@bsk.com, kdoner@bsk.com;tayers@bsk.com;CourtMail@bsk.com
Jeffrey D. Eaton	on behalf of Plaintiff The Diocese of Buffalo N.Y. jeaton@bsk.com, kdoner@bsk.com;tayers@bsk.com;CourtMail@bsk.com
Jeffrey F. Reina	on behalf of Defendant JMH 100 Doe et al jreina@lglaw.com, pjohnson@lglaw.com
Jeffrey L. Kingsley	on behalf of Notice of Appearance Creditor Wausau Underwriters Insurance Company jkingsley@goldbergsegalla.com kallen@goldbergsegalla.com
Jeffrey L. Kingsley	on behalf of Defendant Nationwide Insurance Company of America jkingsley@goldbergsegalla.com kallen@goldbergsegalla.com
Jeffrey L. Kingsley	on behalf of Defendant Wausau Underwriters Insurance Company jkingsley@goldbergsegalla.com kallen@goldbergsegalla.com
Jeffrey L. Kingsley	on behalf of Cross Defendant Wausau Underwriters Insurance Company jkingsley@goldbergsegalla.com kallen@goldbergsegalla.com
Jeffrey L. Kingsley	on behalf of Defendant Employers Insurance Company of Wausau (f/k/a Employers Insurance of Wausau A Mutual Company f/k/a Employers Mutual Liability Insurance Company of Wisconsin) jkingsley@goldbergsegalla.com kallen@goldbergsegalla.com
Jeffrey L. Kingsley	on behalf of Cross Defendant Employers Insurance Company of Wausau (formally known as Employers Insurance of Wausau A Mutual Company formerly known as Employers Mutual Liability Insurance Company of Wisconsin) jkingsley@goldbergsegalla.com kallen@goldbergsegalla.com
Jeffrey L. Kingsley	on behalf of Notice of Appearance Creditor Employers Insurance Company of Wausau (formerly known as Employers Insurance of Wausau A Mutual Company formerly known as Employers Mutual Liability Insurance Company of Wisconsin) jkingsley@goldbergsegalla.com kallen@goldbergsegalla.com
Jeffrey L. Kingsley	on behalf of Defendant Employers Insurance Company of Wausau (formally known as Employers Insurance of Wausau A Mutual Company formerly known as Employers Mutual Liability Insurance Company of Wisconsin) jkingsley@goldbergsegalla.com kallen@goldbergsegalla.com
Jeffrey Robert Anderson	on behalf of Notice of Appearance Creditor Certain Personal Injury Creditors jeff@andersonadvocates.com therese@andersonadvocates.com;erin@andersonadvocates.com;stacey@andersonadvocates.com
Jeffrey Robert Anderson	on behalf of Interested Party Certain Abuse Survivors jeff@andersonadvocates.com therese@andersonadvocates.com;erin@andersonadvocates.com;stacey@andersonadvocates.com
Jennifer Anne Ehman	on behalf of Defendant The National Catholic Risk Retention Group jae@hurwitzfine.com kathik@hurwitzfine.com;donnab@hurwitzfine.com
Jesse Bair	on behalf of Creditor Committee Official Committee of Unsecured Creditors jbair@burnsbair.com kdempski@burnsbair.com
Jillian Dennehy	on behalf of Interested Party TIG Insurance Company jillian.dennehy@kennedyslaw.com

Jillian Dennehy	on behalf of Defendant North River Insurance Company jillian.dennehy@kennedyslaw.com
Jillian Dennehy	on behalf of Interested Party North River Insurance Company jillian.dennehy@kennedyslaw.com
Jillian Dennehy	on behalf of Defendant U.S. Fire Insurance Company jillian.dennehy@kennedyslaw.com
Jillian Dennehy	on behalf of Defendant TIG Insurance Company (successor-in-interest to American Surety Company of New York) jillian.dennehy@kennedyslaw.com
Jillian Dennehy	on behalf of Interested Party U.S. Fire Insurance Company jillian.dennehy@kennedyslaw.com
Jin Yan	on behalf of Interested Party Catholic Mutual Relief Society of America jin.yan@afslaw.com
John Maloney	on behalf of Interested Party Hartford Fire Insurance Company jmaloney@lawgmm.com
John Maloney	on behalf of Defendant The Hartford Financial Services Group (successor-in-interest to Hartford Accident and Indemnity Company and Hartford Fire Insurance Company) jmaloney@lawgmm.com
John Maloney	on behalf of Interested Party Hartford Accident and Indemnity Company jmaloney@lawgmm.com
John A. Mueller	on behalf of Notice of Appearance Creditor The Eudists - Congregation of Jesus and Mary Inc. jmueller@lippes.com, jtenczar@lippes.com
John A. Mueller	on behalf of Notice of Appearance Creditor Franciscan Friars - Our Lady of Angels Province Inc. jmueller@lippes.com, jtenczar@lippes.com
John A. Mueller	on behalf of Notice of Appearance Creditor Oblates of St. Francis DeSales jmueller@lippes.com jtenczar@lippes.com
John A. Mueller	on behalf of Notice of Appearance Creditor St. Francis High School of Athol Springs N.Y. jmueller@lippes.com, jtenczar@lippes.com
John D. Goetz	on behalf of Special Counsel Jones Day jdgoetz@jonesday.com nyeary@jonesday.com;mmelvin@jonesday.com
John D. Goetz	on behalf of Debtor The Diocese of Buffalo N.Y. jdgoetz@jonesday.com, nyeary@jonesday.com;mmelvin@jonesday.com
John Frederick O'Connor, Jr	on behalf of Defendant Zurich American Insurance Company joconnor@steptoe.com
John Frederick O'Connor, Jr	on behalf of Defendant Providence Washington Insurance Company joconnor@steptoe.com
John Frederick O'Connor, Jr	on behalf of Interested Party Providence Washington Insurance Company joconnor@steptoe.com
John Frederick O'Connor, Jr	on behalf of Interested Party Zurich American Insurance Company joconnor@steptoe.com
John Frederick O'Connor, Jr	on behalf of Interested Party American Guarantee and Liability Insurance Company joconnor@steptoe.com
John J. Flaherty	on behalf of Defendant JMH 100 Doe et al flarelaw@gmail.com, joanneaschultz@aol.com
John Ryan Ewell	on behalf of Notice of Appearance Creditor NGM Insurance Company jewell@gerberciano.com
Jon Travis Powers	on behalf of Cross Defendant Fireman's Fund Insurance Company powerst@whiteandwilliams.com travis.powers@leclairryan.com;kimberly.bendzus@leclairryan.com;jill.harris@leclairryan.com;carla.ford@leclairryan.com
Jonathan Schapp	on behalf of Interested Party Nationwide Insurance Company of America jschapp@goldbergsegalla.com kallen@goldbergsegalla.com
Jonathan Schapp	on behalf of Defendant Employers Insurance Company of Wausau (f/k/a Employers Insurance of Wausau A Mutual Company f/k/a Employers Mutual Liability Insurance Company of Wisconsin) jschapp@goldbergsegalla.com kallen@goldbergsegalla.com

Jonathan Schapp	on behalf of Defendant Employers Insurance Company of Wausau (formally known as Employers Insurance of Wausau A Mutual Company formerly known as Employers Mutual Liability Insurance Company of Wisconsin) jschapp@goldbergsegalla.com kallen@goldbergsegalla.com
Jonathan Schapp	on behalf of Cross Defendant Wausau Underwriters Insurance Company jschapp@goldbergsegalla.com kallen@goldbergsegalla.com
Jonathan Schapp	on behalf of Defendant Wausau Underwriters Insurance Company jschapp@goldbergsegalla.com kallen@goldbergsegalla.com
Jonathan Schapp	on behalf of Notice of Appearance Creditor Employers Insurance Company of Wausau (formerly known as Employers Insurance of Wausau A Mutual Company formerly known as Employers Mutual Liability Insurance Company of Wisconsin) jschapp@goldbergsegalla.com kallen@goldbergsegalla.com
Jonathan Schapp	on behalf of Cross Defendant Employers Insurance Company of Wausau (formally known as Employers Insurance of Wausau A Mutual Company formerly known as Employers Mutual Liability Insurance Company of Wisconsin) jschapp@goldbergsegalla.com kallen@goldbergsegalla.com
Jonathan Schapp	on behalf of Defendant Nationwide Insurance Company of America jschapp@goldbergsegalla.com kallen@goldbergsegalla.com
Jonathan Schapp	on behalf of Notice of Appearance Creditor Wausau Underwriters Insurance Company jschapp@goldbergsegalla.com kallen@goldbergsegalla.com
Jonathan Schapp	on behalf of Interested Party Nationwide Mutual Insurance Company (f/k/a Farm Bureau Mutual Automobile Insurance Company) jschapp@goldbergsegalla.com kallen@goldbergsegalla.com
Jonathan D Marshall	on behalf of Defendant Liberty Mutual Insurance Company jmarshall@choate.com jonathan-marshall-4638@ecf.pacerpro.com
Jonathan D Marshall	on behalf of Interested Party Peerless Insurance Company jmarshall@choate.com jonathan-marshall-4638@ecf.pacerpro.com
Jonathan D Marshall	on behalf of Interested Party Excelsior Insurance Company jmarshall@choate.com jonathan-marshall-4638@ecf.pacerpro.com
Jonathan D Marshall	on behalf of Interested Party Liberty Mutual Insurance Company jmarshall@choate.com jonathan-marshall-4638@ecf.pacerpro.com
Joseph Mark Fisher	on behalf of Interested Party Catholic Mutual Relief Society of America mfisher@schiffhardin.com
Joseph Mark Fisher	on behalf of Defendant Catholic Mutual Group mfisher@schiffhardin.com
Joseph W. Allen	USTPRegion02.bu.ecf@usdoj.gov Joseph.W.Allen@usdoj.gov
Judith Treger Shelton	on behalf of Defendant Selective Insurance Company of America (formerly known as Exchange Mutual Insurance Company) jtshelton@kslnlaw.com
Judith Treger Shelton	on behalf of Interested Party Selective Insurance Company of New York jtshelton@kslnlaw.com
Karen M Dixon	on behalf of Defendant Great American Insurance Company (successor-in-interest to Agricultural Insurance Company) kdixon@skarzynski.com
Kathleen Thomas	on behalf of Notice of Appearance Creditor Certain Personal Injury Creditors kat@tlclawllc.com
Kevin R. Lelonek	on behalf of Defendant Catholic Mutual Group klelonek@gross-shuman.com rrottaris@gross-shuman.com
Kevin T. Stocker	on behalf of Creditor KS-Doe-1 et al kstockeresq@yahoo.com
Kevin T. Stocker	on behalf of Respondent KS-Doe-1 et al kstockeresq@yahoo.com
Laura Anne Brady	on behalf of Interested Party Selective Insurance Company of New York lbrady@cmg.law
Laura Anne Brady	on behalf of Defendant Selective Insurance Company of America (formerly known as Exchange Mutual Insurance Company)

lbrady@coughlinduffy.com

Laura B. Stephens

on behalf of Interested Party Peerless Insurance Company lbstephens@mintz.com

Laura B. Stephens

on behalf of Interested Party Liberty Mutual Insurance Company lbstephens@mintz.com

Laura B. Stephens

on behalf of Interested Party Excelsior Insurance Company lbstephens@mintz.com

Laura B. Stephens

on behalf of Defendant Liberty Mutual Insurance Company lbstephens@mintz.com

Lauren Lifland

on behalf of Notice of Appearance Creditor The Continental Insurance Company lauren.lifland@wilmerhale.com

Leah Costanzo

on behalf of Interested Party Certain Abuse Survivors lcostanzo@steveboyd.com

Lee E. Woodard

on behalf of Notice of Appearance Creditor USA Northeast Province of the Society of Jesus bkemail@harrisbeach.com
efilings@harrisbeach.com;broy@harrisbeach.com;bmahoney@HarrisBeach.com;KMeans@HarrisBeach.com

Linda H. Joseph

on behalf of Interested Party Michael Harrington ljoseph@sjalegal.com cbinkowski@sjalegal.com

Linda Singer Roth

on behalf of Interested Party Sisters of Good Shepherd and the Roman Catholic Religious Institute of the Religious of the Good
Shepherd lroth@archerlaw.com

Lorraine Armenti

on behalf of Defendant Arrowood Indemnity Company (successor-in-interest to American and Foreign Insurance Company Eagle
Indemnity Company of New York, Globe Indemnity Company, Phoenix Assurance Company of NY, New Am larmenti@cmg.law

Louis J. Testa

on behalf of Notice of Appearance Creditor New York State Office of Parks Recreation & Historic Preservation
louis.testa@ag.ny.gov

Louis J. Testa

on behalf of Notice of Appearance Creditor People of the State of New York louis.testa@ag.ny.gov

M. Paul Gorfinkel

on behalf of Notice of Appearance Creditor Utica Mutual Insurance Company paul.gorfinkel@rivkin.com

M. Paul Gorfinkel

on behalf of Notice of Appearance Creditor Sentry Insurance Company as successor to Middlesex Mutual Insurance Company
paul.gorfinkel@rivkin.com

Margaret F. Catalano

on behalf of Defendant TIG Insurance Company (successor-in-interest to American Surety Company of New York)
meg.catalano@kennedyscmk.com

Margaret F. Catalano

on behalf of Interested Party TIG Insurance Company meg.catalano@kennedyscmk.com

Margaret F. Catalano

on behalf of Defendant North River Insurance Company meg.catalano@kennedyscmk.com

Margaret F. Catalano

on behalf of Defendant U.S. Fire Insurance Company meg.catalano@kennedyscmk.com

Margaret F. Catalano

on behalf of Interested Party U.S. Fire Insurance Company meg.catalano@kennedyscmk.com

Margaret F. Catalano

on behalf of Interested Party North River Insurance Company meg.catalano@kennedyscmk.com

Marianne May

on behalf of Notice of Appearance Creditor Century Indemnity Company marianne.may@clydeco.us

Marianne May

on behalf of Defendant Insurance Company of North America marianne.may@clydeco.us

Marianne May

on behalf of Defendant Indemnity Insurance Company of North America marianne.may@clydeco.us

Marianne May

on behalf of Defendant Century Indemnity Company marianne.may@clydeco.us

Marianne May

on behalf of Interested Party Century Indemnity as successor in interest to Insurance Company of North America, as successor in
interest to Indemnity Insurance Company of North America marianne.may@clydeco.us

Marianne May	on behalf of Interested Party U.S. Fire Insurance Company marianne.may@clydeco.us
Marianne May	on behalf of Defendant Ace Property and Casualty Insurance (successor-in-interest to Aetna Insurance Company) marianne.may@clydeco.us
Marianne May	on behalf of Interested Party Aetna Insurance Company f/k/a CIGNA Property & Casualty Insurance Company and n/k/a ACE Property & Casualty Insurance Company marianne.may@clydeco.us
Marianne May	on behalf of Defendant Federal Insurance Company marianne.may@clydeco.us
Marianne May	on behalf of Interested Party Pacific Employers Insurance Company marianne.may@clydeco.us
Mark D. Plevin	on behalf of Defendant The Continental Insurance Company mplevin@crowell.com mark-plevin-crowell-moring-8073@ecf.pacerpro.com
Mark D. Plevin	on behalf of Counter-Claimant The Continental Insurance Company mplevin@crowell.com mark-plevin-crowell-moring-8073@ecf.pacerpro.com
Mark D. Plevin	on behalf of Notice of Appearance Creditor The Continental Insurance Company mplevin@crowell.com mark-plevin-crowell-moring-8073@ecf.pacerpro.com
Martin A. Mooney	on behalf of Creditor Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. lgadomski@schillerknapp.com kcollins@schillerknapp.com;TJohnson@schillerknapp.com
Martin A. Mooney	on behalf of Notice of Appearance Creditor New York State Office of Parks Recreation & Historic Preservation Martin.Mooney@ag.ny.gov, kcollins@schillerknapp.com;TJohnson@schillerknapp.com
Meghan Hayes	on behalf of Interested Party Boys and Girls Club of Jamestown Inc. mhayes@websterszanyi.com, jconnors@websterszanyi.com;efile@websterszanyi.com
Michael Finnegan	on behalf of Interested Party Certain Abuse Survivors mike@andersonadvocates.com therese@andersonadvocates.com,erin@andersonadvocates.com
Michael Margulies	on behalf of Defendant National Union Fire Insurance Company of Pittsburgh PA mmargulies@carltonfields.com
Michael A. Morgan	on behalf of Notice of Appearance Creditor Archbishop Walsh High School and Archbishop Walsh Foundation mmorgan@morganlaw.biz
Michael M. Marick	on behalf of Defendant Great American Insurance Company (successor-in-interest to Agricultural Insurance Company) mmarick@skarzynski.com
Michael T. Glascott	on behalf of Defendant Unigard Insurance Company (successor-in-interest to Jamestown Mutual Insurance Company) mglascott@goldbergsegalla.com mperessotti@goldbergsegalla.com
Miranda Turner	on behalf of Notice of Appearance Creditor The Continental Insurance Company mturner@crowell.com
Miranda Turner	on behalf of Defendant The Continental Insurance Company mturner@crowell.com
Miranda Turner	on behalf of Cross Defendant The Continental Insurance Company mturner@crowell.com
Miranda Turner	on behalf of Counter-Claimant The Continental Insurance Company mturner@crowell.com
Mitchell Garabedian	on behalf of Creditor Richard Brownell mgarabedian@garabedianlaw.com
Mitchell Garabedian	on behalf of Creditor Wayne Bortle mgarabedian@garabedianlaw.com
Mitchell Garabedian	on behalf of Interested Party Richard Brownell mgarabedian@garabedianlaw.com
Mitchell Garabedian	on behalf of Creditor Gail Holler-Kennedy mgarabedian@garabedianlaw.com

Mitchell Garabedian	on behalf of Creditor Carolyn Anderson mgarabedian@garabedianlaw.com
Nancy D Adams	on behalf of Interested Party Excelsior Insurance Company ndadams@mintz.com
Nancy D Adams	on behalf of Interested Party Liberty Mutual Insurance Company ndadams@mintz.com
Nancy D Adams	on behalf of Defendant Liberty Mutual Insurance Company ndadams@mintz.com
Nancy D Adams	on behalf of Interested Party Peerless Insurance Company ndadams@mintz.com
Neil J. Smith	on behalf of Notice of Appearance Creditor Our Lady of Victory Institutions Inc nsmith@mackenziehughes.com, mallen@mackenziehughes.com
Nora Anne Valenza-Frost	on behalf of Defendant National Union Fire Insurance Company of Pittsburgh PA nvalenza-frost@carltonfields.com
Peter Keane	on behalf of Notice of Appearance Creditor Official Committee of Unsecured Creditors pkeane@pszjlaw.com
Peter P. McNamara	on behalf of Defendant Fireman's Fund Insurance Company peter.mcnamara@rivkin.com
Randall D. White	on behalf of Special Counsel Connors LLP rdw@connors-vilardo.com sb@connors-vilardo.com;ebh@connors-vilardo.com
Raymond L. Fink	on behalf of Notice of Appearance Creditor Catholic Charities of Buffalo N.Y. rfink@lippes.com, jmueller@lippes.com
Rick Weisbeck, Jr	on behalf of Defendant JMH 100 Doe et al rweisbeck@lglaw.com
Rick Weisbeck, Jr	on behalf of Attorney Lipsitz Green Scime Cambria LLP rweisbeck@lglaw.com
Robert Sweeney	on behalf of Interested Party Certain Underwriters at Lloyd's London robert.sweeney@clydeco.us
Robert Sweeney	on behalf of Defendant Certain Underwriters at Lloyds London and Certain London Market Companies robert.sweeney@clydeco.us
Robert Gerard Scumaci	on behalf of Debtor The Diocese of Buffalo N.Y. rscumaci@gmclaw.com, lmarkowski@gmclaw.com
Robert Gerard Scumaci	on behalf of Special Counsel Gibson McAskill & Crosby, LLP rscumaci@gmclaw.com, lmarkowski@gmclaw.com
Robert J. Feldman	on behalf of Interested Party Catholic Mutual Relief Society of America rfeldman@gross-shuman.com lspula@gross-shuman.com
Robert J. Feldman	on behalf of Cross Defendant Catholic Mutual Group rfeldman@gross-shuman.com lspula@gross-shuman.com
Robert J. Feldman	on behalf of Defendant Catholic Mutual Group rfeldman@gross-shuman.com lspula@gross-shuman.com
Robert Kevin Malone	on behalf of Defendant Selective Insurance Company of America (formerly known as Exchange Mutual Insurance Company) rmalone@gibbonslaw.com
Robert Kevin Malone	on behalf of Interested Party Selective Insurance Company of New York rmalone@gibbonslaw.com
Robert Wagner DiUbaldo	on behalf of Defendant National Union Fire Insurance Company of Pittsburgh PA rdiubaldo@carltonfields.com
Robert Wagner DiUbaldo	on behalf of Interested Party National Union Fire Insurance Company of Pittsburgh Pa. rdiubaldo@carltonfields.com
Sara C. Temes	on behalf of Debtor The Diocese of Buffalo N.Y. stemes@bsk.com, CourtMail@bsk.com;kdoner@bsk.com
Scott J. Bogucki	on behalf of Creditor Committee Official Committee of Unsecured Creditors sbogucki@gmwlawyers.com boguckisr48948@notify.bestcase.com;jsymack@gmwlawyers.com;lsachdev@gmwlawyers.com

Scott J. Bogucki	on behalf of Notice of Appearance Creditor Official Committee of Unsecured Creditors sbogucki@gmwlawyers.com boguckisr48948@notify.bestcase.com;jsymack@gmwlawyers.com;lsachdev@gmwlawyers.com
Scott J. Bogucki	on behalf of Interested Party The Official Committee of Unsecured Creditors sbogucki@gmwlawyers.com boguckisr48948@notify.bestcase.com;jsymack@gmwlawyers.com;lsachdev@gmwlawyers.com
Sharon Angelino	on behalf of Defendant Unigard Insurance Company (successor-in-interest to Jamestown Mutual Insurance Company) sangelino@goldbergsegalla.com
Sharon Angelino	on behalf of Interested Party QBE Insurance Corporation as successor-in-interest to Unigard Insurance Company (successor-in-interest to Jamestown Mutual Insurance Company) sangelino@goldbergsegalla.com
Siobhain Patricia Minarovich	on behalf of Defendant Fireman's Fund Insurance Company siobhain.minarovich@rivkin.com
Stacey Benson	on behalf of Notice of Appearance Creditor Certain Personal Injury Creditors stacey@andersonadvocates.com erin@andersonadvocates.com;therese@andersonadvocates.com
Stephen Boyd	on behalf of Notice of Appearance Creditor AB 1 Doe sboyd@steveboyd.com rmatuzic@steveboyd.com
Stephen A. Donato	on behalf of Attorney Bond Schoeneck & King, PLLC sdonato@bsk.com, ayerst@bsk.com;kdoner@bsk.com;CourtMail@bsk.com
Stephen A. Donato	on behalf of Debtor The Diocese of Buffalo N.Y. sdonato@bsk.com, ayerst@bsk.com;kdoner@bsk.com;CourtMail@bsk.com
Stephen A. Donato	on behalf of Other Professional Blank Rome LLP sdonato@bsk.com, ayerst@bsk.com;kdoner@bsk.com;CourtMail@bsk.com
Stephen A. Donato	on behalf of Plaintiff The Diocese of Buffalo N.Y. sdonato@bsk.com, ayerst@bsk.com;kdoner@bsk.com;CourtMail@bsk.com
Stephen A. Donato	on behalf of Counter-Defendant The Diocese of Buffalo N.Y. sdonato@bsk.com, ayerst@bsk.com;kdoner@bsk.com;CourtMail@bsk.com
Stephen Andrew Sharkey	on behalf of Debtor The Diocese of Buffalo N.Y. ssharkey@bsk.com, rhynes@bsk.com;cmccormick@bsk.com;courtmail@bsk.com
Steven Gary Adams	on behalf of Defendant Arrowood Indemnity Company (successor-in-interest to American and Foreign Insurance Company Eagle Indemnity Company of New York, Globe Indemnity Company, Phoenix Assurance Company of NY, New Am sadams@cmg.law, dclare@cmg.law
Steven M. Cohen	on behalf of Interested Party HW 1 Doe et al scohen@hoganwillig.com, ssweeney@tiveronlaw.com;hdavern@tiveronlaw.com;abanks@tiveronlaw.com;kakin@tiveronlaw.com;abanks@tiveronlaw.com
Stuart I. Gordon	on behalf of Notice of Appearance Creditor Sentry Insurance Company as successor to Middlesex Mutual Insurance Company stuart.gordon@rivkin.com
Stuart I. Gordon	on behalf of Notice of Appearance Creditor Hanover Insurance Company stuart.gordon@rivkin.com
Stuart I. Gordon	on behalf of Notice of Appearance Creditor Utica Mutual Insurance Company stuart.gordon@rivkin.com
Tancred Schiavoni	on behalf of Interested Party Century Indemnity as successor in interest to Insurance Company of North America, as successor in interest to Indemnity Insurance Company of North America tschiavoni@omm.com, tancred-schiavoni-9326@ecf.pacerpro.com
Tancred Schiavoni	on behalf of Interested Party Aetna Insurance Company f/k/a CIGNA Property & Casualty Insurance Company and n/k/a ACE Property & Casualty Insurance Company tschiavoni@omm.com tancred-schiavoni-9326@ecf.pacerpro.com
Tancred Schiavoni	on behalf of Interested Party Pacific Employers Insurance Company tschiavoni@omm.com tancred-schiavoni-9326@ecf.pacerpro.com
Tancred Schiavoni	on behalf of Interested Party U.S. Fire Insurance Company tschiavoni@omm.com tancred-schiavoni-9326@ecf.pacerpro.com
Tanya Mascarich	on behalf of Defendant Arrowood Indemnity Company (successor-in-interest to American and Foreign Insurance Company Eagle

Indemnity Company of New York, Globe Indemnity Company, Phoenix Assurance Company of NY, New Am
tmascarich@cmg.law

Tanya Mascarich

on behalf of Interested Party Arrowood Indemnity Company successor-in-interest to American and Foreign Insurance Company
Eagle Indemnity Company of New York, Globe Indemnity Co tmascarich@cmg.law

Timothy Patrick Lyster

on behalf of Plaintiff St. Joseph Roman Catholic Church Society of Lyndonville N.Y. n/k/a Our Lady of the Lake Roman
Catholic Parish of Barker and Lyndonville, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Saints Peter and Pauls Roman Catholic Church Society of Williamsville tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Leos Roman Catholic Society of Eggertsville N.Y. tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Thomas More Ripley tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Marys Roman Catholic Church Society of Cattaraugus N.Y. tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of Pompeii Roman Catholic Church of Lancaster tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of Loretto Roman Catholic Church Society tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Judes Roman Catholic Church Society of Sardinia New York tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Holy Family Roman Catholic Church Society of the City of Buffalo n/k/a Our Lady of Charity Catholic
Parish tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. John Bosco Roman Catholic Church Society of Sheridan N.Y. n/k/a Our Lady of Mount Carmel Roman
Catholic Church Society of Silver Creek, N.Y., tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Francis of Assisi Roman Catholic Church Society of Buffalo n/k/a St. Katharine Drexel Roman Catholic
Church Society of Buffalo N.Y tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Gabriels Roman Catholic Church Society of Blossom tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Josephs Roman Catholic Church of Niagara Falls N.Y. n/k/a Holy Family of Jesus, Mary, and Joseph
Roman Catholic Church of Niagara Falls, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Luke R.C. Church Society of Buffalo NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Christophers Roman Catholic Church Society of Tonawanda tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Josephs Roman Catholic Church Society of Gowanda N.Y. tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff All Saints Roman Catholic Church Society of Buffalo tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Marys Roman Catholic Church Society of Batavia N.Y. n/k/a Resurrection Roman Catholic Parish of
Batavia, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of Victory National Shrine Lackawanna tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Josephs Roman Catholic Society of Buffalo NY tlyster@woodsoviatt.com,

mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Holy Cross Roman Catholic Church Society of Salamanca New York n/k/a St. Patricks Roman Catholic Church Society of Limestone, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Anns Roman Catholic Church of Buffalo N.Y. n/k/a Sts. Columba-Brigid Roman Catholic Church of Buffalo, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Marys Catholic Church Society of East Eden n/k/a St. John Baptists Rom. Cath. Church Society of Boston N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Assumption Roman Catholic Church Society of Portageville N.Y. n/k/a Saint Isidore Roman Catholic Parish of Perry, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Visitation Roman Catholic Church Society of Buffalo N.Y. n/k/a St. Katharine Drexel Roman Catholic Church Society of Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Saint Gerards Roman Catholic Church Society of Buffalo N.Y. n/k/a Blessed Trinity Roman Catholic Church Society of Buffalo, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Saint Martins Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Josephs Roman Catholic Church Society of Perry (Wyom. Co. NY) n/k/a Saint Isidore Roman Catholic Parish of Perry tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Patricks Roman Catholic Church Society of Randolph N. Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Mary of Immaculate Conception RCC Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Josephs Roman Catholic Church Society of North Tonawanda New York n/k/a Our Lady of Czestochowa Roman Catholic Church Society of North Tonawanda, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Josephs Cath. Church of Holland tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Immaculate Heart of Mary Roman. Catholic Church Society of Buffalo New York n/k/a St. Aloysius Gonzaga Roman Catholic Church Society of Cheektowaga, New York, Incorporated tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Lawrences Roman Catholic Church Society of Buffalo tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Queen of Peace Roman Catholic Church Society of Buffalo n/k/a Saint John Gualbertus Roman Catholic Church Society of Cheektowaga Erie Co., N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff SS. Peter and Paul Roman Catholic Church Society of Depew New York n/k/a Our Lady of Pompeii Roman Catholic Church of Lancaster tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of Lebanon Roman Catholic Church Society of Niagara Falls n/k/a Divine Mercy Roman Catholic Parish of Niagara Falls N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Pacificus Church & Cemetery Association of Humphrey n/k/a The Holy Name of Mary Roman Catholic Church Society of Ellicottville N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. John the Baptist R.C. Church Society of Alden Center New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Marys Roman Catholic Church Society of Strykersville n/k/a St. John Neumann Roman Catholic Church of Wyoming County tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Holy Fourteen Helpers of the Town of West Seneca Middle Ebenezer tlyster@woodsoviatt.com,

mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Timothys Roman Catholic Church Society of Tonawanda N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The St. John Baptists Society North Buffalo n/k/a Assumption Roman Catholic Church Society of Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Amelias Roman Catholic Church Society of the Town of Tonawanda N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Leos Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Queen of Heaven Roman Catholic Church Society of West Seneca New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Patrick Roman Catholic Church Society of Hartland n/k/a Our Lady of the Lake Roman Catholic Parish of Barker and Lyndonville N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Stanislaus Kostkas Roman Catholic Church Society of Niagara Falls N.Y. n/k/a Divine Mercy Roman Catholic Parish of Niagara Falls, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Immaculate Conception Roman Catholic Church Society of Cassadaga N.Y. n/k/a Saint Anthonys Roman Catholic Church Society of Fredonia New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Blessed Trinity Roman Catholic Church Society of Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. John the Evangelist Roman Catholic Church Society of Sinclairville N.Y. n/k/a Saint Anthonys Roman Catholic Church Society of Fredonia tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of Grace Roman Catholic Church Society of Woodlawn New York n/k/a Queen of Angels R.C. Church of Lackawanna, NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Brigids Roman Catholic Church Society of Bergen N.Y., formerly known as St. Bridget Bergen tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Rose of Lima Roman Catholic Church of Forestville n/k/a Our Lady of Mount Carmel Roman Catholic Church Society of Silver Creek N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Thomas More Ripley n/k/a St. Dominic Roman Catholic Church of Chautauqua County tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Saint Georges Roman Catholic Church Society of Niagara Falls N.Y. n/k/a Divine Mercy Roman Catholic Parish of Niagara Falls, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Martins Church Society Langford Erie County n/k/a Epiphany of Our Lord Roman Catholic Parish Community Langford, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Sacred Heart Roman Catholic Church Society of Suspension Bridge N.Y., Niagara Falls n/k/a St. Raphaels Roman Catholic Parish of Niagara Falls, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Anthonys Roman Catholic Church Society of Lime Rock New York n/k/a Our Lady of Mercy Roman Catholic Parish of LeRoy, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Marys Catholic Church Society of Pavilion N.Y. n/k/a Mary Immaculate Roman Catholic Parish of Pavilion, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Anthonys Roman Catholic Church Society of Lackawanna New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of Czestochowa Roman Catholic Church Society of North Tonawanda New York

tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Assumption Roman Catholic Church Society of Albion n/k/a Holy Family Roman Catholic Parish of Albion N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of the Sacred Heart of Jesus R.C. Church Society tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. James Roman Catholic Church Society of Depew N.Y., n/k/a Blessed Mother Teresa of Calcutta Roman Catholic Parish of Depew, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Matthews Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Sacred Heart of Jesus Roman Catholic Church Society of Dunkirk New York tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. John Cantius R.C. Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of Mount Carmel Roman Catholic Church Society of Niagara Falls New York n/k/a Holy Family of Jesus, Mary, and Joseph Roman Catholic Church of Niagara Falls, N.Y. tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Saint Casimirs Roman Catholic Church Society of Buffalo N.Y. tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Immaculate Conception Rom. Catholic Church Society of Buffalo n/k/a Holy Cross Roman Catholic Church Society of Buffalo New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of Czestochowa Roman Catholic Church Society of Forks Cheektowaga
tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Leos Roman Catholic Church Society of Niagara Falls N.Y. n/k/a St. Vincent de Paul Roman Catholic Parish of Niagara Falls, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Immaculate Conception East Bethany n/k/a Mary Immaculate Roman Catholic Parish of Pavilion, N.Y.
tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Sts. Peter and Paul R. C. Church Society Arcade New York n/k/a St. Mary Roman Catholic Church Society of Arcade, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. John Baptist Roman Catholic Church Society of Carrollton Vandalia n/k/a St. Bonaventures Roman Catholic Church Society of Allegany tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Francis of Assisi Roman Catholic Church Society of Athol Springs New York tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Michaels Roman Catholic Church Society of Warsaw N.Y. tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Blessed Sacrament Roman Catholic Church Society of Andover tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Patricks Roman Catholic Church Society of Limestone N.Y. n/k/a Our Lady of Peace Salamanca
tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Valentines Roman Catholic Church Society of Buffalo n/k/a St. Clare Roman Catholic Church Society of Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Bernadette R.C. Church Society of Armor NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of Mount Carmel Roman Catholic Church Society of Silver Creek N.Y.
tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster	on behalf of Plaintiff St. Ambroses Roman Catholic Church of Buffalo n/k/a Our Lady of Charity Catholic Parish tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Blessed Sacrament Roman Catholic Church Society of Delevan N.Y. n/k/a St. Mary Roman Catholic Church Society of Arcade, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Prince of Peace of Roman Catholic Church Society and St. Charles Borromeo Chapel n/k/a St. Vincent de Paul Roman Catholic Parish of Niagara Falls New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. James Roman Catholic Church Society of Jamestown N.Y. n/k/a Holy Apostles Roman Catholic Parish of Jamestown, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Mother of Good Counsel R.C. Church Society Inc. tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Leo the Great Roman Catholic Church Amherst, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys Roman Catholic Church Society of Little Valley N.Y. n/k/a St. Marys Roman Catholic Church Society of Cattaraugus, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of the Rosary Roman Catholic Church Society of Niagara Falls N.Y. n/k/a Divine Mercy Roman Catholic Parish of Niagara Falls, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Holy Cross Roman Catholic Church Society of Buffalo New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Teresa of Avila Roman Catholic Church of Akron NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of Perpetual Help Roman Catholic Church Society of Lakeview n/k/a Blessed John Paul II Roman Catholic Parish Community tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Bonaventures Roman Catholic Church Society of Allegany tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Nativity Roman Catholic Church Society of Orchard Park New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Charles Borromeo Roman Catholic Church of Olcott n/k/a St. Brendan on the Lake Roman Catholic Parish of Newfane, Olcott, and Wilson tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Saint Nicholas Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys Roman Church Society n/k/a The St. John the Baptist Roman Cath Congregation tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys Roman Catholic Church Society of Medina N.Y. n/k/a Holy Trinity Roman Catholic Church of Medina, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of Perpetual Help Roman Catholic Church Society of Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Sacred Heart of Jesus Roman Catholic Church Society of Batavia New York n/k/a Ascension Roman Catholic Parish of Batavia, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Bartholomews R.C. Church Society of Buffalo NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Edmunds Roman Catholic Church Society of Tonawanda N.Y. n/k/a St. Christophers Roman Catholic Church Society of Tonawanda tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster	on behalf of Plaintiff Saint Anthonys Roman Catholic Church Society of Farnham New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Josephs Roman Catholic Church Society of Bliss N.Y. n/k/a Saint Isidore Roman Catholic Parish of Perry, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of Victory Roman Catholic Church Society of Frewsburg N.Y. n/k/a St. James Roman Catholic Church Society of Jamestown, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff S. S. Peter & Pauls German Catholic Church Hamburg N.Y. tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John Vianney Roman Catholic Church Society of Orchard Park N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Ceciliass Roman Catholic Church Society of Oakfield New York n/k/a Saint Padre Pio Roman Catholic Parish tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Vincents Roman Catholic Church Society of North Evans n/k/a Saint John Paul II Roman Catholic Parish Community tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Saint Patricks Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Patricks Roman Catholic Church Society of Salamanca N.Y. n/k/a Our Lady of Peace Roman Catholic Parish of Salamanca, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Josephs Rom. Cath. Church Society of Batavia N.Y., n/k/a Resurrection Roman Catholic Parish of Batavia, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of Fatima Roman Catholic Church Society of Elba New York n/k/a Saint Padre Pio Roman Catholic Parish tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Bonaventures Roman Catholic Church Society of West Seneca N.Y. n/k/a Saint John XXIII Roman Catholic Parish of West Seneca, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Church of St. John Baptist of West Valley N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Church of Christ the King tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Saint John Gualbertus Roman Catholic Church Society of Cheektowaga Erie Co., N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Stanislaus Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Mother of Good Counsel Roman Catholic Church Society of Blasdell N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Georges Roman Catholic Church Society of Jewettville New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John's Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Michaels Roman Catholic Church Society of South Byron n/k/a St. Brigids Roman Catholic Church Society of Bergen N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Saint Bernards Roman Catholic Church Society of Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys Roman Catholic Church Society of Belmont N.Y. n/k/a Holy Family of Jesus, Mary, and Joseph Roman Catholic Church Society of Belmont, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster	on behalf of Plaintiff St. James Major Roman Catholic Church Society of Westfield N.Y. n/k/a St. Dominic Roman Catholic Church of Chautauqua tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Blessed Sacrament Roman Catholic Church Society of Tonawanda tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Cecilias Church Sheldon n/k/a St. John Neumann Roman Catholic Church of Wyoming County tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Michaels Roman Catholic Church Society of Buffalo NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys Church of the Redemptorists of Buffalo NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Ascension Roman Catholic Church Society of North Tonawanda n/k/a Saint Jude the Apostle Roman Catholic Parish of North Tonawanda New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John of the Cross Whitesville tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys of the Lake Roman Catholic Church Society of Mount Vernon Hamburg tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Andrews Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Vincents Roman Catholic Church of Springbrook N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John the Baptist Roman Catholic Church Kenmore, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Josephs R.C. Church tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Agnes Catholic Church Society Buffalo n/k/a St. Katharine Drexel Roman Catholic Church Society of Buffalo, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Saint Patricks Roman Catholic Church Society Fillmore tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Immaculate Conception Roman Catholic Church Society of Eden Center N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Queen of Heaven Roman Catholic Church Society Inc. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys Roman Catholic Church Society Silver Springs N.Y. n/k/a Saint Isidore Roman Catholic Parish of Perry New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Bernards Roman Catholic Church Society of Youngstown N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Johns Roman Catholic Church Society of Jamestown n/k/a Holy Apostles Roman Catholic Parish of Jamestown N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Nativity of the Blessed Virgin Mary Roman Catholic Church Society of Harris Hill N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Brigid Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Infant of Prague Roman Catholic Church Society of Cheektowaga New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of Sacred Heart R.C. Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Assumption Roman Catholic Church Society of Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Francis of Assisi Roman Catholic Church Society of Corfu New York n/k/a Saint Maximilian Kolbe Roman Catholic Parish of Corfu, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Assumption Hungarian R.C. Church Society of Lackawanna tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of Czestochowa R.C. Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Queen of All Saints Lackawanna tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Josephs Roman Catholic Church of Fredonia N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Church of the Assumption of Lancaster N.Y. tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John Fisher Roman Catholic Church Society of South Dayton N.Y. n/k/a St. Josephs Roman Catholic Church Society of Gowanda, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys Roman Catholic Church Society of Holley tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Sacred Heart Roman Catholic Church Society of Friendship n/k/a Our Lady of Angels Roman Catholic Church Society of Cuba tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Holy Family Roman Catholic Church Society of Machias N.Y. n/k/a St. Philomena's Roman Catholic Church Society of Franklinville, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Sacred Heart of Jesus Roman Catholic Church Society of Bowmansville N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Isidores Roman Catholic Church Society of East Otto N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Lucys Roman Catholic Church tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Josephats Roman Catholic Church of Cheektowaga N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John the Baptist Roman Catholic Church Society of Carrollton n/k/a St. Bonaventures Roman Catholic Church Society of Allegany tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Roman Catholic Church of St. Marys n/k/a St. Mary Roman Catholic Church Society of Arcade N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff All Saints Roman Catholic Parish of Lockport New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Interested Party Parish Steering Committee tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Francis de Sales Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Louis Roman Catholic Church of Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Stephens Rom. Cath. Church Society of Buffalo n/k/a St. Clare Roman Catholic Church Society of

Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Marks Roman Catholic Church Society of Rushford N.Y. n/k/a St. Patricks Roman Catholic Church Society of Belfast, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Stanislaus Kostkas Roman Catholic Church Society of Perry N.Y. n/k/a Saint Isidore Roman Catholic Parish of Perry, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Rose of Lima Roman Catholic Church Society of Buffalo tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Bridgets Roman Catholic Church Society of Newfane N.Y. n/k/a St. Brendan on the Lake Roman Catholic Parish of Newfane, Olcott tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Blessed Sacrament R.C. Church Society of Tonawanda Township tlyster@woodsoviatt.com
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. John Maron Roman Catholic Church Society of Buffalo New York tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Catholic Society of St. Marys Church Lockport, NY n/k/a All Saints Roman Catholic Parish of Lockport, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Our Lady of Lourdes Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Marys Roman Catholic Church Society of Mayville N.Y. n/k/a St. Mary of Lourdes Roman Catholic Church Society of Chautauqua tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Immaculate Conception Roman Catholic Church Society of East Aurora N.Y.
tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Hyacinths Roman Catholic Church Society of Lackawanna n/k/a Queen of Angels R.C. Church of Lackawanna NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Resurrection Roman Catholic Church Society of Cheektowaga New York tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Josephs Roman Catholic Church Society of Scio N.Y. n/k/a Holy Family of Jesus, Mary, and Joseph Roman Catholic Church Society of Belmont, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Joseph Roman Catholic Church Society of Albion New York n/k/a Holy Family Roman Catholic Parish of Albion, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Vincents Roman Catholic Church Society of Attica N.Y. n/k/a SS. Joachim & Anne Roman Catholic Church of Attica, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Marys Roman Catholic Church Society of Bolivar New York tlyster@woodsoviatt.com,
mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Holy Trinity Roman Catholic Church Society of Niagara Falls N.Y. n/k/a Divine Mercy Roman Catholic Parish of Niagara Falls, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff Sacred Heart Roman Catholic Church Society of Angelica N.Y. n/k/a Holy Family of Jesus, Mary, and Joseph Roman Catholic Church Society of Belmont, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff St. Teresas Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Church of St. Mary of Sorrows n/k/a Sts. Columba-Brigid Roman Catholic Church of Buffalo N.Y.
tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster

on behalf of Plaintiff The Holy Name of Mary Roman Catholic Church Society of East Pembroke N.Y. n/k/a Saint Maximilian Kolbe Roman Catholic Parish of Corfu, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster	on behalf of Plaintiff St. Marks Roman Catholic Church Society of Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Roman Catholic Church of St. Franciscus Xavarius Buffalo n/k/a Assumption Roman Catholic Church Society of Buffalo, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady Help of Christians East Bennington n/k/a Immaculate Heart of Mary Roman Catholic Parish tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Catholic Society of St. Mary's Church Lockport, NY n/k/a All Saints Roman Catholic Parish of Lockport, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Coronation of the Blessed Virgin Mary Roman Catholic Church Society of Buffalo N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Hyacinth Roman Catholic Church Society of Dunkirk New York n/k/a Blessed Mary Angela R.C. Parish of Dunkirk, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of the Angels Roman Catholic Church Society of Cuba tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Elizabeth Cherry Creek tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Mary Magdalene Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Sacred Heart Roman Catholic Church Society of Bennington N.Y. n/k/a Immaculate Heart of Mary Roman Catholic Parish tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Church of the Holy Trinity Dunkirk N.Y. tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Holy Name of Mary Roman Catholic Church Society of Ellicottville tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Joseph New Cathedral Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Saint Anthonys Roman Catholic Church Society of Fredonia New York tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Aloysius Gonzaga Roman Catholics Church Society of Cheektowaga New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Augustines Roman Catholic Church Society of Rapids-Clarence Center New York n/k/a The Good Shepherd Roman Catholic Church Society of Pendleton, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Michael Archangel Roman Catholic Church Society of Lackawanna n/k/a Queen of Angels R.C. Church of Lackawanna NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Josephs Roman Catholic Church Society of Leroy New York n/k/a Our Lady of Mercy Roman Catholic Parish of LeRoy tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John De La Salle Roman Catholic Church of LaSalle N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Anthonys Roman Catholic Church Society of Buffalo tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Sacred Heart R.C. Church Society of Buffalo NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Saints Peter and Pauls Church of Jamestown N.Y. n/k/a Holy Apostles Roman Catholic Parish of Jamestown, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster	on behalf of Plaintiff St. Nicholas Roman Catholic Congregation of North Java N.Y. n/k/a St. John Neumann Roman Catholic Church of Wyoming County tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Joan of Arc Roman Catholic Church Society of Perrysburg N.Y. n/k/a St. Josephs Roman Catholic Church Society of Gowanda, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys Roman Catholic Church Society of Niagara Falls N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Queen of the Most Holy Rosary Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Sacred Heart Roman Catholic Church Society of Lakewood New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Church of St. Mary of Angels Olean tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Aloysius Church of Springville tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Anthonys Roman Catholic Church Society of Lockport n/k/a All Saints Roman Catholic Parish of Lockport New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Barnabas Church Society of New York tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Transfiguration Roman Catholic Church Society n/k/a St. Johns Roman Catholic Church Society of Olean N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Mary of Lourdes Roman Catholic Church Society of Chautauqua Bemus Point tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Stephens Roman Catholic Church Society n/k/a Holy Trinity Roman Catholic Church of Medina New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Teresa of the Infant Jesus Roman Catholic Church of Niagara Falls n/k/a St. Raphaels Roman Catholic Parish of Niagara Falls N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Benedicts Roman Catholic Church Society of Eggertsville tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Pauls Roman Catholic Church Society of Dayton N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff All Saints Roman Catholic Parish of Lockport NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Francis of Assisi Roman Catholic Church Society of Buffalo n/k/an/k/a St. Katharine Drexel Roman Catholic Church Society of Buffalo N.Y tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Francis Church Society of Tonawanda Village Tonawanda tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Hiacinth Roman Catholic Church Society of Dunkirk N.Y. n/k/a Blessed Mary Angela R.C. Parish of Dunkirk N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys Roman Catholic Church Society of Canaseraga New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Frances Cabrini Parish (Collins Center NY) n/k/a Epiphany of Our Lord Roman Catholic Parish Community, Langford, N.Y tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Joachim Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster	on behalf of Plaintiff Holy Family Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John Kanty Roman Catholic Church Society of Buffalo tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff SS. Rita and Patrick Roman Catholic Church Society of Buffalo N.Y. n/k/a St. Clare Roman Catholic Church Society of Buffalo, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Nativity of the Blessed Virgin Roman Catholic Church Society of Buffalo n/k/a Our Lady of Hope Roman Catholic Parish of Buffalo New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John Baptists Rom. Cath. Church Society of Boston N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Holy Family Roman Catholic Church Society of Machias N.Y. n/k/a St. Philomenas Roman Catholic Church Society of Franklinville, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Trustees of St. Patrick Church Town of Java n/k/a St. John Neumann Roman Catholic Church of Wyoming County tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John the Baptists Roman Catholic Church Society of N. Collins NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Johns Roman Catholic Church Society of Olean N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Monicas Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Brendans Roman Catholic Church Society of Almond N.Y., (Alfred) tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Notice of Appearance Creditor Parish Steering Committee tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Stephens Roman Catholic Church of Grand Island N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Barbaras Roman Catholic Church Society n/k/a Queen of Angels R.C. Church of Lackawanna N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Margarets Roman Catholic Church Society of Buffalo New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. James Roman Catholic Church Society of Buffalo N.Y. n/k/a Blessed Trinity Roman Catholic Church Society of Buffalo, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Patricks Roman Catholic Church of Belfast N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Good Shepherd Roman Catholic Church Society of Pendleton N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Mary Redemptorist Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Most Precious Blood Rom. Cath. Church Society of Angola tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Sts. Agatha and Ambrose Roman Catholic Parish of Buffalo N.Y. n/k/a Our Lady of Charity Catholic Parish tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of Peace Roman Catholic Church Society of Clarence tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com

Timothy Patrick Lyster	on behalf of Plaintiff St. Adalberts Rom. Cath. Church Society of Buffalo N.Y. n/k/a St. John Kanty Roman Catholic Church Society of Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Elizabeths Roman Catholic Church of Buffalo N.Y. n/k/a Assumption Roman Catholic Church Society of Buffalo, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Georges Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Charles Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Philomenas Roman Catholic Church Society of Franklinville N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Josephs Roman Catholic Church Society of Varysburg New York n/k/a SS. Joachim & Anne Roman Catholic Church of Attica, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Peters Roman Catholic Church Society of Leroy n/k/a Our Lady of Mercy Roman Catholic Parish of LeRoy New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Sacred Heart Roman Catholic Church Society of Portville New York n/k/a The Church of St. Mary of the Angels, Olean tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Boniface Roman Catholic Church Society tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Annunciation Roman Catholic Church Society of Buffalo N.Y. n/k/a Our Lady of Hope Roman Catholic Parish of Buffalo, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Most Holy Redeemer Roman Catholic Church Society of Cheektowaga N.Y. n/k/a St. Lawrences Roman Catholic Church Society of Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Patricks Roman Catholic Church Society of the City of Lockport N.Y. n/k/a All Saints Roman Catholic Parish of Lockport, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of Good Counsel Roman Catholic Church Society of Darien Center N.Y. n/k/a Immaculate Heart of Mary Roman Catholic Parish tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Pius X Roman Catholic Church Society of Town of Amherst N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Vincent de Paul Roman Catholic Church Society of Buffalo tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff The Immaculate Conception Roman Catholic Church Society of Wellsville N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Holy Spirit Roman Catholic Church Society of North Collins N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Josephs Roman Catholic Church Society of Lockport N.Y., n/k/a All Saints Roman Catholic Parish of Lockport, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. John the Baptist Roman Cath Congregation tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of Loretto Roman Catholic Church Society of Buffalo New York, Incorporated n/k/a Our Lady of Hope Roman Catholic Parish of Buffalo, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Transfiguration Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Peter's Roman Catholic Church Society of Lewiston N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com

Timothy Patrick Lyster	on behalf of Plaintiff Our Lady Help of Christians Roman Catholic Church of Cheektowaga New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Our Lady of Mt. Carmel Roman Catholic Church Society of Brant New York n/k/a Saint Anthonys Roman Catholic Church Society of Farnham, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Augustines Roman Catholic Church Society of Depew N.Y. n/k/a Blessed Mother Teresa of Calcutta Roman Catholic Parish of Depew, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Albert the Great Roman Catholic Church Society of North Tonawanda N.Y. n/k/a Saint Jude the Apostle Roman Catholic Parish of North Tonawanda, New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Thomas Aquinas Roman Catholic Church Society of Buffalo tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Holy Apostles Peter and Paul Roman Catholic Church Society of Buffalo N.Y. n/k/a St. Clare Roman Catholic Church Society Buffalo, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Holy Name of Jesus Roman Catholic Church tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Columbas Roman Catholic Church Society of Buffalo N.Y. n/k/a Sts. Columba-Brigid Roman Catholic Church of Buffalo, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Helens Church n/k/a St. Johns Roman Catholic Church Society of Olean N.Y tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Sacred Heart of Jesus Roman Catholic Church Society of N. Collins NY tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Anthonys Roman Catholic Church Society of Batavia N.Y. n/k/a Ascension Roman Catholic Parish of Batavia, N.Y. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Brigids Roman Catholic Church Society Inc. tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Marys Roman Catholic Church Society of Swormville tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Florians Roman Catholic Church Society of Buffalo N.Y. n/k/a All Saints Roman Catholic Church Society of Buffalo tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff St. Pauls Roman Catholic Church Society of Kenmore tlyster@woodsoviatt.com mjohnstone@woodsoviatt.com
Timothy Patrick Lyster	on behalf of Plaintiff Queen of Martyrs Roman Catholic Church Society of Cheektowaga New York tlyster@woodsoviatt.com, mjohnstone@woodsoviatt.com
Timothy W. Burns	on behalf of Creditor Committee Official Committee of Unsecured Creditors tburns@burnsbair.com kdempski@burnsbair.com
Trevor Prince, Jr	on behalf of Interested Party Sisters of Good Shepherd and the Roman Catholic Religious Institute of the Religious of the Good Shepherd tprince@archerlaw.com
William Carson	on behalf of Interested Party American Guarantee and Liability Insurance Company wcarson@steptoe.com
William Carson	on behalf of Interested Party Zurich American Insurance Company wcarson@steptoe.com
William Carson	on behalf of Interested Party Providence Washington Insurance Company wcarson@steptoe.com
William Carson	on behalf of Defendant Zurich American Insurance Company wcarson@steptoe.com
William Carson	on behalf of Defendant Providence Washington Insurance Company wcarson@steptoe.com

District/off: 0209-1
Date Rcvd: Dec 15, 2023

User: admin
Form ID: pdforder

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Total Noticed: 5

William Corbett, Jr	on behalf of Interested Party Selective Insurance Company of New York wcorbett@cmg.law
William Corbett, Jr	on behalf of Defendant Selective Insurance Company of America (formerly known as Exchange Mutual Insurance Company) wcorbett@coughlinduffy.com
William Henry Gordon	on behalf of Creditor Richard Brownell wgordon@garabedianlaw.com
William Henry Gordon	on behalf of Creditor Wayne Bortle wgordon@garabedianlaw.com
William Henry Gordon	on behalf of Creditor Gail Holler-Kennedy wgordon@garabedianlaw.com
William Henry Gordon	on behalf of Creditor Carolyn Anderson wgordon@garabedianlaw.com

TOTAL: 603

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

THE DIOCESE OF BUFFALO, N.Y.,

Debtor.

Chapter 11 Case

Case No. 20-10322

**ORDER GRANTING SIXTH INTERIM APPLICATION OF JONES DAY FOR
SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES AS
SPECIAL COUNSEL TO THE DIOCESE OF BUFFALO, N.Y. FOR THE
PERIOD FEBRUARY 1, 2023 THROUGH JULY 31, 2023**

Upon consideration of the *Sixth Interim Application of Jones Day for Services Rendered and Reimbursement of Expenses as Special Counsel to the Diocese of Buffalo, N.Y. for the Period February 1, 2023 through July 31, 2023* [Docket No. 2584] (the “Sixth Jones Day Interim Fee Application”),¹ the Court being fully advised in the premises, the Court having reviewed the Stipulated Final Order in the action styled *The People of the State of New York, by Letitia James, Attorney General of the State of New York v. Diocese of Buffalo et al.*² [Docket Nos. 2014-2, 2035-7] and a hearing having been held before the Court on December 13, 2023 to consider the Sixth Jones Day Interim Fee Application (the “Hearing”):

IT IS HEREBY FOUND AND DETERMINED THAT:

- A. The Court has jurisdiction to consider the Sixth Jones Day Interim Fee Application and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334.
- B. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
- C. Venue is proper pursuant to 28 U.S.C. § 1409.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Sixth Jones Day Interim Fee Application.

² This action was commenced against the Diocese by the Attorney General of the State of New York in the Supreme Court of the State of New York, County of New York, Index No. 452354/2020. The action was removed to the United States District Court for the Southern District of New York, Docket No. 1:21-cv-00189.

D. Proper and adequate notice of the Sixth Jones Day Interim Fee Application and the Hearing was given and no other or further notice is required.

en E. *EXCEPT AS OTHERWISE STIPULATED,* ✓ The services provided by Jones Day during the period from February 1, 2023 through July 31, 2023 (the "Sixth Interim Compensation Period"), as set forth in the Sixth Jones Day Interim Fee Application, were reasonable, necessary and beneficial to the chapter 11 estate of The Diocese of Buffalo, N.Y. (the "Diocese").

F. The compensation requested in the Sixth Jones Day Interim Fee Application, as modified on the record at the Hearing, is fair and reasonable given: (a) the complexity of the New York Attorney General's lawsuit for which Jones Day is retained as special counsel to the Diocese; (b) the time expended; (c) the nature and extent of the services rendered; (d) the value of the services rendered; and (e) the costs of comparable services other than in a case under title 11 of the United States Code.

G. The expense reimbursement sought in the Sixth Jones Day Interim Fee Application represents actual and necessary expenses incurred in connection with this chapter 11 case.

H. The legal and factual bases set forth in the Sixth Jones Day Interim Fee Application and at the Hearing establish just cause for the relief granted herein.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Sixth Jones Day Interim Fee Application is granted as set forth herein.
2. Any objections to the Sixth Jones Day Interim Fee Application, or to the compensation and expense reimbursement sought therein, that have not been made, withdrawn, waived, or settled on the record at the Hearing, and all reservations of rights included therein, are hereby overruled and disallowed on the merits.

3. As detailed at the Hearing, Jones Day agreed with the Office of the U.S. Trustee to a voluntary reduction of \$9,286.00 in compensation sought during the Sixth Interim Compensation Period. Jones Day and the Office of the U.S. Trustee agreed that, with this voluntary reduction, the Office of the U.S. Trustee's limited objection to the Sixth Jones Day Interim Fee Application has been resolved.

4. Jones Day's fees for professional services rendered during the Sixth Interim Compensation Period are allowed on an interim basis in the amount of \$89,264.00.

5. Reimbursement of Jones Day's expenses incurred during the Sixth Interim Compensation Period is allowed on an interim basis in the amount of \$366.14.

6. The Diocese is authorized and directed to promptly pay to Jones Day the fees and expenses allowed herein, with no holdback, less amounts previously paid to Jones Day pursuant to the *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Members of Official Committees* [Docket No. 362]. The fees of Jones Day allowed herein reflect the amount requested in the Sixth Jones Day Interim Fee Application less the voluntary reduction agreed upon with the Office of the U.S. Trustee.³

7. All fees and expenses allowed herein shall remain subject to final approval by the Court upon further application pursuant to 11 U.S.C. § 330(a)(5).

8. Notwithstanding the possible applicability of Bankruptcy Rules 6004(h), 7062, 9014 or otherwise, this Order shall be effective and enforceable immediately upon its entry. Any subsequent modification or vacatur of this Order shall not invalidate or impair any actions taken pursuant to this Order prior to such modification or vacatur.

³ Pursuant to the Interim Compensation Order, Jones Day has received payments totaling \$79,321.34 for services rendered to the Debtor and expenses incurred during the Sixth Compensation Period. The unpaid balance owed to the firm for services performed for the Debtor during the Sixth Compensation Period is \$10,308.80.

9. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this Order.

¹⁵
Dated: December ~~14~~, 2023
Buffalo, New York



Hon. Carl L. Bucki
Chief United States Bankruptcy Judge

